

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
TED DOUKAS, SYNGEN DATA)
SERVICES CORPORATION, TED)
DOUKAS, as a shareholder of SYNGEN)
DATA SERVICES, TED DOUKAS, as a)
joint venture partner with CLAUDIO)
BALLARD, TED DOUKAS as an equitable)
owner of all patents and technology owned by)
CLAUDIO BALLARD or his purported)
assignees, TED DOUKAS as an equitable)
owner of all patents and technology owned by)
DataTreasury Corp., TED DOUKAS as)
owner of certain technology and assets)
produced by a joint venture with CLAUDIO)
BALLARD, TED DOUKAS as a 50%)
equitable owner of DataTreasury Corp., an)
assignee of CLAUDIO BALLARD'S)
ownership of certain technology developed by)
the joint venture and unknown Defendants)
named John and Jane Does "1" through)
"750", TED DOUKAS as the constructive)
and beneficial owner of all settlements and)
licensing agreements relating to certain)
technology created by virtue of a joint TED)
DOUKAS as a joint venture owner of the)
assets of a joint venture partnership)
commonly referred to as "*the Doukas/Ballard*)
joint venture",)
Plaintiffs,)
-against-)
CLAUDIO BALLARD, KEITH DELUCIA)
a/k/a "KEITH WICKEY", a/k/a "KEITH)
DOYLE", SHEPHARD LANE,)
UNIDENTIFIED DEFENDANTS JOHN)
AND JANE DOES "1" THROUGH "750",)
UNIDENTIFIED CORPORATE ENTITIES)
"1" THROUGH "75", UNKNOWN)
LICENSES AND BANKING)
INSTITUTIONS "1" THROUGH "75",)
DATATREASURY CORP., KEITH)
DELUCIA a/k/a "KEITH WICKEY", a/k/a)
No. 2:11-cv-03275-ADS -WDW
**NOTICE OF APPEARANCE OF
OLIVIA E. MARBUTT FOR
M&T BANK CORP.**
Judge: Joseph F. Bianco
Magistrate: William D. Wall

“KEITH DOYLE” as an owner of shares in)
DataTreasury Corporation, SHEPHARD)
LANE, as an owner of shares in DataTreasury)
Corporation, CLAUDIO BALLARD, as an)
owner of shares in DataTreasury Corporation,))
SYNGEN CORPORATION, CLAUDIO)
BALLARD as an owner of shares in)
SYNGEN CORPORATION, CLAUDIO)
BALLARD as the fiduciary to TED)
DOUKAS and SYNGEN DATA SERVICES)
CORPORATION, CLAUDIO BALLARD as)
the Constructive trustee of TED DOUKAS’)
interest in the technology created by a joint)
venture, PETER LUPOLI, VIRGINIA)
LUPOLI, CSP HOLDINGS INC., HAROLD)
NIX (individually), NIX PATTERSON AND)
ROACH, LLP, BANK OF AMERICA,)
WELLS FARGO, CITIBANK, BANK)
HAPOALIM, BANCORPSOUTH, INC.)
INTUIT INC., KEYCORP and KEYBANK)
NATIONAL ASSOC., JP MORGAN CHASE))
& CO., INGENICO, JP MORGAN CHASE)
BANK, M&T BANK CORP., MERRILL)
LYNCH, UNION BANK OF CALIFORNIA,)
PNC FINANCIAL SERVICES GROUP,)
CHARLES SCHWAB & CO., INC. and)
CHARLES SCHWAB BANK, MERRILL)
LYNCH, PIERCE, FENNER & SMITH,)
INC., PNC FINANCIAL SERVICES)
GROUP, THE ROYAL BANK OF)
SCOTLAND GROUP, SUNTRUST BANK,)
INC., WELLS FARGO & COMPANY,)
BANK OF TOKYO-MITSUBISHI UFJ,)
LTD., THE BANK OF NEW YORK)
MELLON CORPORATION, THE BANK OF)
NEW YORK MELLON, CITIGROUP, INC.,)
CITIBANK, N.A., CITY NATIONAL)
BANK, COMMUNITY BANKING)
SYSTEMS, BRANCH BANKING AND)
TRUST CORPORATION,)
COMERICABANK, COMERICA)
INCORPORATED, COMPASS)
BANCSHARES, INC., COMPASS BANK,)
DEUTSCHE BANK, EDWARD D. JONES)
& CO., L.P., HSBC NORTH AMERICA)
HOLDINGS INC., HSBC BANK USA, N.A.,)

FIRST TENNESSEE BANK NATIONAL)
ASSOCIATION, CULLEN/FROST)
BANKERS, INC. and THE FROST)
NATIONAL BANK,)

Defendants.

)
)
)
----- x

New York, New York

Please take notice that Olivia E. Marbutt respectfully enters her appearance on behalf of Defendant M&T Bank Corp. in the above captioned matter.

Dated: August 11, 2011

JONES DAY

By: /s/ Olivia E. Marbutt
Olivia E. Marbutt (*pro hac vice*)
1420 Peachtree Street, N.E.
Suite 800
Atlanta, GA 30309
Telephone: (404) 581-3939
Fax: (404) 581-8330

William C. Rookridge (*pro hac vice*)
3161 Michelson Drive
Suite 800
Irvine, CA 92612
Telephone: (949) 851-3939
Fax: (949) 553-7539

Jonathan A. Muenkel (4092714)
222 East 41st Street
New York, NY 10017
Telephone: (212) 326-3939
Fax: (212) 755-7306

*Attorneys for Defendant
M&T BANK CORP.*

CERTIFICATE OF SERVICE

Olivia E. Marbutt, certifies and declares under penalty of perjury pursuant to 28 U.S.C § 1746 that on August 11, 2011, she caused the annexed Notice of Appearance of Olivia E. Marbutt for M&T Bank Corp. to be served on the following counsel of record by CM/ECF and e-mail:

Attorney for Plaintiffs

Robert J. Del Col, Esq.
Law Office of Robert J. Del Col, Esq.
1038 West Jericho Turnpike
Smithtown, NY 11787

Attorneys for Claudio Ballard and DataTreasury Corp.

Michael D. Traub, Esq.
Scott E. Mollen, Esq.
Herrick Feinstein LLP
2 Park Avenue
New York, NY 10016

Richard L. Levine
Paul A. Ferrillo
Weil, Gotshal & Manges, LLP
767 Fifth Avenue
New York, NY 10153

Attorneys for Defendant Virginia Lupoli

Robert A. Ross, Esq.
Theresa M. Mahlstadt, Esq.
Law Office of Robert A. Ross
141 East Main Street
Huntington, NY 11743

Attorneys for the Bank of America and Merrill Lynch Defendants

J. Rodrigo Fuentes
Fish & Richardson P.C.
601 Lexington Avenue, 52nd Floor
New York, New York 10022-4611

Robert C. Earle
Michael A. Bittner
Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, TX 75201

Attorneys for the Wells Fargo Defendants

John Albert Basinger
Baker & McKenzie LLP
1114 Avenue Of The Americas
New York, NY 10036

Attorneys for the Key Defendants

Rebecca A. Brazzano, Esq.
Thompson Hine LLP
335 Madison Avenue, 12th Floor
New York, NY 10017

Attorneys for the Charles Schwab Defendants

James H. Neale, Esq.
Travis J. Mock, Esq.
Fulbright & Jaworski LLP
666 Fifth Avenue
New York, NY 10103

Attorneys for The Bank of New York Mellon Defendants

David A. Crichtlow
Tameka M. Beckford-Young
Pillsbury Winthrop, Shaw, Pittman
LLP
1540 Broadway
New York, NY 10036

Attorneys for Bank of Tokyo-Mitsubishi UFJ, Ltd.

Benjamin R. Nagin
Sidley, Austin Brown & Wood LLP
787 7th Avenue
New York, NY 10019

Attorneys for the Edward D. Jones Defendants

Justin J. D'Elia, Esq.
Loren Schechter, Esq.
Duane Morris LLP
1540 Broadway
New York, NY 10036-4086

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Olivia E. Marbutt

Olivia E. Marbutt